IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 277 OF 2004

Captain Arvind GOvind Sane ...Petitioner

Versus

Laxmikant Shridharrao Joshi ...Respondent

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Mr. N.R. Bubna, counsel for Petitioner

Mr. A.H. Palekar, A.G.P. for Respondent.

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CORAM: B. H. MARLAPALLE, J.

DATED: 24TH MARCH, 2005

P. C.:-

1. Heard the learned counsel for the petitioner. The Deputy Engineer, Public Works Sub-Division No.5 at Pune has filed affidavit in reply and stated that the proposal/claim made by the petitioner has been rejected and the same was communicated to him vide letter dated 10.2.2004. The counsel for the petitioner disputes this.

2. The Division Bench of this Court while holding that the writ petition No.2952 of 1992 was not a fit case for invocation of writ jurisdiction, observed that the authorities shall take decision on the representations submitted by the petitioner purportedly on 27.4.1992 and 29.4.1994 as

expeditiously as possible and preferably within four months. This order was passed on 20.1.2003. It is true that before 31.5.2003 the respondents authorities were expected to take the decision, the decision has been communicated to the petitioner only on 10.2.2004, this delayed decision would not per se the case of contempt within the meaning of section 2(b) of the Contempt of Courts Act, 1971 inasmuch as the period of four months was qualified by the word "preferably". Hence, there is no case to take cognizance for contempt. The petition is therefore, rejected.

3. This order will not come in the way of the petitioner in initiating the appropriate legal proceedings for the purported recoveries.